

EXHIBIT H

In The Matter Of:
DR. KAMIAR ALAEI v.
STATE UNIVERSITY OF NEW YORK, et al.

WILLIAM B. HEDBERG
January 25, 2021

COVERING ALL UPSTATE NEW YORK

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WILLIAM B. HEDBERG

1

1 STATE OF NEW YORK

2 COURT OF CLAIMS

3 ----- :

4 In the Matter of the Claim by

5 DR. KAMIAR ALAEI,

6 Claimant,

7
8 - Against -

Claim Number:

9 132554

10 STATE UNIVERSITY OF NEW YORK,

11 STATE UNIVERSITY OF NEW YORK AT ALBANY,

12 and THE STATE OF NEW YORK,

13 Respondents.

14 ----- :

15 DEPOSITION of: WILLIAM B. HEDBERG

16 (Respondent Agent)

17
18 Thursday, January 25, 2021

19 1:16 p.m. - 2:23 p.m.

20
21
22 HELD: Via Zoom Video Conferencing

23
24 Reported by: Deborah M. McByrne

WILLIAM B. HEDBERG

2

1 APPEARANCES: (All via Zoom)

2
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WILLIAM B. HEDBERG

3

1 S T I P U L A T I O N S

2
3 IT IS HEREBY STIPULATED, by and between the
4 attorneys hereto, that:

5 All rights provided by the C.P.L.R, and
6 Part 221 of the Uniform Rules for the Conduct of
7 Depositions, including the right to object to any
8 question, except as to form, or to move to strike
9 any testimony at this examination is reserved; and
10 in addition, the failure to object to any question
or to move to strike any testimony at this
examination shall not be a bar or waiver to make
such motion at, and is reserved to, the trial of
this action.

11 This deposition may be sworn to by the
12 witness being examined before a Notary Public other
13 than the Notary Public before whom this examination
14 was begun, but the failure to do so or to return the
original of this deposition to counsel, shall not be
15 deemed a waiver of the rights provided by Rule 3116
of the C.P.L.R, and shall be controlled thereby.

16 The filing of the original of this
17 deposition is waived.

18 IT IS FURTHER STIPULATED, that a copy of
19 this examination shall be furnished to the attorney
for the witness being examined without charge.
20
21
22
23
24
25

WILLIAM B. HEDBERG

4

1 WILLIAM B. HEDBERG,
2 was called as a witness, and having been first
3 duly sworn, was examined and testified as
4 follows:

5 EXAMINATION BY

6 MR. CASTIGLIONE:

7 Q. Good afternoon, Mr. Hedberg. My name is
8 Joe Castiglione. I'm an attorney with the law firm
9 of Young/Sommer. We're the attorneys for
10 Dr. Kamiar Alaei. You're here as a possible witness
11 concerning Dr. Alaei's claim against New York State
12 regarding employment with SUNY Albany, or the State
13 University of New York at Albany.

14 Just so it's clear, if I refer to SUNY
15 Albany, I'm referring to the State University of New
16 York at Albany.

17 A. Yes.

18 Q. And if I'm referring to GIHHR, I'm referring to the
19 Global Institute on Health and Human Rights, if
20 that's clear?

21 A. Understood.

22 Q. Okay. I'm going to ask you some questions today to
23 probe your knowledge about what information or
24 knowledge you might have regarding this case or
25 issues relevant to the case.

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1 As you're aware, your counsel might
2 make certain objections. Those are for the record.
3 You need to ask the -- you need to -- I'm sorry, you
4 need to answer the question, unless otherwise
5 directed by your attorney.

6 The stenographer is here to swear you
7 under oath and create a transcript of the questions
8 and answers for this deposition. Just to be clear,
9 let me first ask the question. Before I'm done, you
10 wait until I finish, then you can answer. She can't
11 type us both speaking at the same time.

12 If you could also verbalize a
13 response. Some people tend to nod, which is
14 understandable, but yes, no or some other
15 articulated verbal response in response to the
16 question.

17 If an objection is made, let your
18 attorney make the objection and then you can answer.
19 Everything is on the record and being recorded by
20 the stenographer, unless counsel agrees to go off
21 otherwise.

22 If I ask you a question, please
23 respond to the best of your ability. If you don't
24 understand the question as presented, please let me
25 know and we'll try to rephrase it.

WILLIAM B. HEDBERG

6

1 If at any point you need to take a
2 break, whatnot, just let us know. If a question is
3 posed to you, however, you have to answer the
4 question first before you take a break or otherwise
5 talk to counsel.

6 Is there any reason today that you
7 wouldn't be able to respond truthfully or accurately
8 to the best of your ability?

9 A. No.

10 Q. All right. I'm sorry, can you state again your name
11 for the record, please?

12 A. Yes, William B. Hedberg.

13 Q. And are you currently employed, Mr. Hedberg?

14 A. Yes.

15 Q. Where are you employed?

16 A. With the University at Albany, State University of
17 New York?

18 Q. And what is your current employment position?

19 A. I'm the Senior Vice Provost and Associate Vice
20 President for academic affairs.

21 Q. And how long have you held that position?

22 A. I have been Associate Vice President since 1992 and
23 Senior Vice Provost for about ten years.

24 Q. And so you held these same positions from the year
25 2018?

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1 A. Yes.

2 Q. Can you explain to me the job duties or
3 responsibilities for this position?

4 A. Well, I report to the Senior Vice Provost or -- and
5 -- I report to the Provost and the Senior Vice
6 President for academic affairs. And I work with
7 that individual and other members of the senior
8 leadership team in providing oversight to the
9 University's nine schools and colleges.

10 I have a few other direct reports, and
11 my duties include faculty and staff recruitment and
12 development, personnel administration and employee
13 relations, planning, budgeting, fiscal
14 administration.

15 Q. Did you review any documents today in advance to
16 prepare for the deposition?

17 A. No.

18 Q. Did you have any conversations with anyone, other
19 than your attorney, for preparing for the
20 deposition?

21 A. No.

22 Q. If I can refer you to what was previously identified
23 as Claimant's Exhibit A-1? And just so you're
24 aware, the stenographer is going to be showing those
25 to you. She has control of the documents.

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8

1 A. Yeah, I honestly don't recall seeing it, but it, you
2 know, comes from Chief Personnel Officer.

3 Q. So are you aware there was an investigation
4 concerning Dr. Kamiar Alaei in 2018 regarding a
5 potential disciplinary issues?

6 A. I had heard it -- I had heard as much.

7 Q. Okay. When did you first learn about this
8 investigation, if you recall?

9 A. I don't recall.

10 Q. Okay. Do you recall ever being told about the
11 underlying concerns that triggered the investigation
12 concerning Dr. Alaei?

13 A. No, I don't.

14 Q. Do you know how long it took for the investigation
15 to come to a conclusion?

16 A. No, I don't.

17 Q. Did you have any role or participate in conducting
18 the investigation concerning Dr. Alaei in the
19 disciplinary issue?

20 A. No.

21 Q. Do you know of any people who were involved in or
22 participated in the investigation on behalf of SUNY
23 Albany?

24 A. I don't recall.

25 Q. Are you aware that -- strike that.

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1 Are you aware that SUNY Albany made a
2 determination not to discipline Dr. Alaei in
3 August 2018?

4 A. No.

5 Q. Okay. So I guess you wouldn't have participated in
6 that decision-making then --

7 A. Correct.

8 Q. -- fair to say?

9 A. Correct.

10 Q. Are you aware that SUNY Albany terminated
11 Dr. Alaei's employment on or about August 10, 2018?

12 A. Yes.

13 Q. Were you consulted or did you participate in the
14 determination to terminate that employment?

15 A. No.

16 Q. Did you work with Dr. Alaei over time while he was
17 at SUNY Albany?

18 A. No.

19 Q. Are you aware of the quality of his work over time
20 while at SUNY Albany?

21 A. I had heard good reports about his contribution.

22 Q. Do you recall who may have raised those good reports
23 with you?

24 A. Well, they attracted -- The narrative around him was
25 very attractive and so there was -- there

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10

1 were -- You know, the nature of the work was
2 reported more than once in newsletters and other
3 communications.

4 Q. Did you ever hear any concerns that were critical of
5 Dr. Alaei's work over time?

6 A. No.

7 Q. If I can refer you to what's being marked as -- or
8 what has been marked as Claimant's Exhibit D-1.

9 Mr. Hedberg, Claimant's Exhibit D-1 is
10 a series of e-mails between Brian Selchick,
11 S-E-L-C-H-I-C-K, and Chantelle Cleary,
12 C-H-A-N-T-E-L-L-E, C-L-E-A-R-Y. Do you know who
13 those two individuals are?

14 A. Yes.

15 Q. Could you explain to me your understanding of who
16 those two individuals are?

17 A. Brian Selchick works in the office of human
18 resources management and is responsible for employee
19 relations. And Chantelle Cleary is no longer with
20 the University, but when she was with us, she was
21 the Title IX Coordinator.

22 Q. Do you know when Ms. Cleary left the University?

23 A. I don't recall.

24 Q. Do you know any of the circumstances involving her
25 leaving the University?

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1 A. No, I -- Well, she had accepted an opportunity to go
2 to Cornell.

3 Q. In these e-mails, there's a discussion concerning
4 Kamiar Alaei. There's a statement, you can see in
5 the middle of the document in front of you: "I
6 thought we agreed he wasn't going to come back."

7 Were you aware of any determination
8 made by SUNY Albany personnel as of March 26, 2018,
9 that Dr. Alaei was not to come back to employment?

10 A. Not that I recall.

11 Q. Are you aware if there came a time when SUNY Albany
12 personnel began to process non-renewal of
13 Dr. Alaei's employment?

14 A. Yes.

15 Q. Okay. Can you explain to me, generally, what you
16 recall, as you sit here today, regarding the
17 non-renewal process for Dr. Alaei?

18 A. Yes. Well, there is a transaction form calling for
19 the non-renewal. There's a process that we are
20 required to go through that gives him an opportunity
21 to respond at each step of the decision.

22 Q. Do you know who initiated or who initially
23 determined to move forward with a non-renewal
24 process for Dr. Alaei?

25 A. I was instructed by the Provost to be in touch with

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12

1 Harvey Charles to start the process.

2 Q. And did the Provost ever explain to you why he
3 wanted you to start that process of non-renewal?

4 A. Not in detail, no.

5 Q. Do you recall when the Provost first raised that
6 with you?

7 A. I don't recall.

8 Q. If I can refer you to what was previously marked as
9 Claimant's Exhibit E-1?

10 So Mr. Hedberg, what's being shown to
11 you as -- and is marked as Claimant's Exhibit E-1,
12 is an e-mail from a Liesl, L-I-E-S-L, Zwicklbauer,
13 Z-W-I-C-K-L-B-A-U-E-R, dated April 4, 2018, sent to
14 Brian Selchick, Chantelle Cleary, Randy Stark and
15 then someone else. Have you ever seen this e-mail
16 before?

17 A. No.

18 Q. This e-mail talks, in part, about if somebody is a
19 professional employee, "most director titles are,
20 you have to check and make sure he has a current
21 performance program and evaluation before you can
22 non-renew."

23 Are you familiar with what the
24 reference to "current performance program" means?

25 A. Yes.

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1 Q. Could you explain to me what your understanding of
2 "performance program" means?

3 A. Employees who are appointed as professional faculty
4 are required to have a statement that is referred to
5 as a performance program that outlines their core
6 duties and responsibilities and their performance
7 objectives for performance period.

8 Q. And there's another reference, it says, "and
9 evaluation."

10 Do you have any understanding what
11 that's referring to, the evaluation?

12 A. Normally, a professional employee would be evaluated
13 on an annual basis against their performance
14 program.

15 Q. Have you been involved with other non-renewal
16 processes for SUNY Albany employees?

17 A. Yes.

18 Q. Do you have an approximation of how many you've been
19 involved with over time?

20 A. Several dozen, at least.

21 Q. Can you explain to me your understanding of the
22 process for non-renewal and considerations by SUNY
23 employees for non -- or strike that.

24 Can you explain to me your
25 understanding of the process for non-renewal and

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1 considerations by SUNY Albany personnel for
2 non-renewing an employee?

3 A. Well, the process is lined out in the agreement with
4 UUP, United University of Professions and -- between
5 the UUP and the State of New York. And as the -- as
6 the action moves up the organization to the final
7 appointing authority, the copy of the -- any
8 documentation at each step is provided to the
9 employee with an opportunity to respond.

10 Q. And who, typically, in your experience, initiates
11 the non-renewal for an employee?

12 A. It, typically, comes from the director of the unit
13 that the employee's appointed to.

14 Q. Would that, in other words, be the employee's
15 supervisor, direct supervisor?

16 A. Yes.

17 Q. Are you aware if Dr. Alaei had a performance program
18 as of April 4, 2018?

19 A. I don't recall.

20 Q. Are you aware if he had an evaluation as of April 4,
21 2018?

22 A. I don't recall.

23 Q. If I can refer you to what has been marked as
24 Claimant's Exhibit L-4?

25 Mr. Hedberg, Claimant's Exhibit L-4,

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15

1 as identified, has some handwritten notes in the
2 right-hand corner. It appears to be a date of 4/3,
3 and can't make out the end. The left-hand side,
4 there appear to be some initials BBS, RLS, maybe.
5 Have you ever seen this document before?

6 A. No.

7 Q. On the fourth line down from the top, it appears to
8 say: "Goal is to make sure he does not come back."

9 Are you aware, as of April 3, 2018,
10 whether there was any goal by SUNY Albany personnel
11 to make sure that Dr. Alaei did not come back to
12 employment with SUNY?

13 A. No.

14 Q. If you scroll down a little bit more, please. That
15 last line, it appears to say: "Performance
16 evaluations to support non-renewal, we could
17 recreate them."

18 Are you aware of any efforts by anyone
19 with SUNY Albany at the time trying to recreate
20 performance evaluations to support a non-renewal as
21 of April 2018?

22 A. No.

23 Q. If I can refer you to what's previously been marked
24 as Claimant's Exhibit B-1?

25 Claimant's Exhibit B-1 appears to be a

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1 letter from Dean Harvey Charles to
2 Provost James Stellar, dated April 27, 2018. Do you
3 know who Provost James Stellar is, as of April 27,
4 2018?

5 A. Yes.

6 Q. Who was he?

7 A. He was the Chief Academic Officer of the University,
8 and he was my direct supervisor.

9 Q. Okay. Did he have oversight over Dr. Alaei and
10 GIHHR?

11 A. Not directly.

12 Q. But they were underneath his umbrella of authority?

13 A. That's correct.

14 Q. Do you recognize this document that is identified
15 Claimant's Exhibit B-1?

16 A. I don't recall.

17 Q. Do you recall if whether or not you drafted this
18 document?

19 A. I recall drafting a document and sending it to
20 Dean Charles. And I just don't recall if this is
21 it.

22 Q. If I can refer you to what had been previously
23 identified as Claimant's Exhibit B-3?

24 MR. ROTONDI: So I have to stand for a
25 minute, but you can continue.

WILLIAM B. HEDBERG

17

1 MR. CASTIGLIONE: Sure.

2 BY MR. CASTIGLIONE:

3 Q. Mr. Hedberg, do you recognize the documents
4 identified as Claimant's Exhibit B-3?

5 A. Yes.

6 Q. Can you explain to me your understanding of these
7 documents?

8 A. I do recall drafting a statement and also preparing
9 a non-renewal form and sending it to Dean Charles
10 for him to execute.

11 Q. And so the statement you just referred to about
12 non-renewal, is that the statement that
13 Provost Stellar directed you to prepare?

14 A. Yes.

15 Q. When you received this response from Mr. Charles
16 about not knowing or practically nothing about, you
17 know -- strike that.

18 When you received this e-mail from
19 Mr. Charles, dated April 28, 2018: "I'm saying he
20 knows practically nothing about the situation and
21 feels uncomfortable making a recommendation to the
22 Provost without a basis to do so," did you advise
23 the Provost of Mr. Charles' feelings?

24 A. I don't recall.

25 Q. Do you recall any particular course of action being

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1 taken in response to what was raised by Dr. Charles
2 here?

3 A. I recall that Dean Charles contacted me. We spoke
4 by phone. He -- This was after my message to him at
5 4:40. As I recall, he came to my house. He was so
6 eager to dispose of this matter, he came to my house
7 with the signed form -- to sign the letter.

8 Q. And would that be -- the letter, would that be
9 consistent with what we looked at before, Claimant's
10 Exhibit B-1?

11 A. It may be -- it is likely. It may be.

12 Q. Is it typical, in your experience, that there would
13 be a recommendation that a supervisor sign a
14 non-renewal letter, when the supervisor didn't feel
15 comfortable making that type of recommendation?

16 A. It's not typical.

17 Q. Was there any explanation, after receiving this
18 e-mail from Dr. Charles, that was offered by the
19 Provost as to why he was moving forward with that
20 non-renewal?

21 A. Not to me.

22 Q. At this time, April 28, 2018, when you were asking
23 that, you know, per the direction of the Provost,
24 that Harvey Charles sign this letter of non-renewal,
25 had you obtained Kamiar Alaei's program performance

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19

1 or evaluation at that point?

2 A. No.

3 Q. Do you recall if anybody ever provided you with a
4 copy of Dr. Alaei's performance program or
5 evaluation?

6 A. No.

7 Q. Is that typical?

8 A. No, that's not typic -- Well, I'm sorry. I want to
9 make sure I understand the question.

10 Q. No, that's fine.

11 Is it typical that for a non-renewal,
12 when you're processing it, that you don't have a
13 program performance or evaluation being provided for
14 the employee that's being non-renewed?

15 A. That's typical.

16 Q. It's typical that you would have them?

17 A. That I would not -- that they would not accompany
18 the material coming forward.

19 Q. Would somebody, though, typically review those as
20 part of the non-renewal process?

21 A. I don't know.

22 Q. Did you have any concerns with the merits of
23 Dr. Alaei's work at this time when the process of
24 the non-renewal was going on?

25 A. No.

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20

1 Q. Are you aware of whether Provost Stellar had raised
2 any concerns regarding the merit of Dr. Alaei's work
3 around the time of this non-renewal processing?

4 A. Well, when I received my instruction, I was -- I
5 assumed that he had made a decision that it was in
6 the University's interest to, you know, separate it.

7 Q. Do you recall sending any e-mails with the Provost
8 regarding this non-renewal matter?

9 A. I would have to check. I don't -- I don't recall.
10 We are located right next to each other, so.

11 Q. Okay. If I can refer you to --

12 MR. CASTIGLIONE: If you scroll down,
13 Deb, for Claimant's B-3?

14 Q. Mr. Hedberg, I'm showing you what's part of
15 Claimant's Exhibit B-3. It's the second page and
16 I'm referring to the e-mail in the middle of the
17 page, dated 4/30/2018, what appears to be from you
18 to Dr. Alaei. Do you recall this e-mail?

19 A. I recall being concerned that as we proceeded, that
20 we, you know, follow the protocol for each step of
21 the process. And having received the form, the next
22 step would be to present it to Dr. Alaei and to give
23 him an opportunity to respond.

24 MR. CASTIGLIONE: If you can scroll
25 down, Deb, to the last page of Claimant's

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21

1 Exhibit B-3?

2 Q. Okay. Mr. Hedberg, Claimant's Exhibit B-3, the last
3 page identified as a change of status request form,
4 HRM-3 appears to be signed by Dr. Charles on
5 4/28/2018. Do you recall this document?

6 A. Yes, this is a standard transaction form for --

7 Q. Okay. I'm sorry, go ahead.

8 A. I believe this was the form that I prepared and sent
9 to Dean Charles.

10 Q. If the Provost had asked you to prepare this form,
11 do you know why the Provost didn't sign it in the
12 first place?

13 A. Well, it would normally be signed first by the
14 employee's supervisor.

15 Q. Okay. And here, for Dr. Alaei, that was Mr. Charles
16 or Dr. Charles?

17 A. Yes.

18 Q. At the time you had put together this form that
19 we're looking at as part of Claimant's B-3, did you
20 believe that the Provost had made a determination
21 not to renew Dr. Alaei?

22 A. Yes.

23 Q. If I can refer you to what's been marked as
24 Claimant's Exhibit B-6?

25 Mr. Hedberg, I'm showing you what's

1 being marked -- or has been marked as Claimant's
2 Exhibit B-6, the first page of which appears to be
3 an e-mail from you dated May 14, 2018, to Dr. Alaei.
4 The e-mail states, in part, or talks, in part, about
5 the Provost having signed it and that the next step
6 in the process was for the President to review the
7 file and make his decision.

8 Were you aware at that time if the
9 President had already made a decision as to
10 non-renewal for Dr. Alaei?

11 A. No.

12 Q. Before this point, May 14, 2018, do you recall
13 having any discussions with Randy Stark about the
14 non-renewal?

15 A. Not that I recall, but I do recall being concerned
16 that we follow the prescribed process. Randy was
17 new and I didn't want us to have a misstep.

18 Q. Okay. In this e-mail, May 14, 2018, you note that
19 Dr. Alaei had five working days to review a file
20 and -- to review his file and submit a statement in
21 response. Do you recall receiving this statement in
22 response from Dr. Alaei?

23 A. I believe he responded both to the -- both to the
24 form before the Provost signed it, and then I think
25 he wrote directly to the President.

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23

1 Q. Okay. If I can refer you to starting with the third
2 page of Claimant's Exhibit B-6. It starts with,
3 there's a date, May 8, 2018.

4 Mr. Hedberg, do you recognize the
5 document in front of you with the date May 8, 2018,
6 addressed to you that's part of Claimant's Exhibit
7 B-6?

8 A. Yes, I believe this is Kamiar's response to the
9 first invitation for a response.

10 Q. And do you recall reading this at the time?

11 A. I'm sure I did.

12 Q. Did you take any action in response after you
13 received this letter?

14 A. I attached it to the form and submitted it to the
15 Provost.

16 Q. This document -- if you scroll down a little bit.
17 At the top of the screen, there's a paragraph that
18 starts with: "I have never received a negative
19 evaluation from Dean Karl Rethemeyer,
20 R-E-T-H-E-M-E-Y-E-R, and some other people or any
21 other member of the University administration.

22 Is it in your -- strike that.

23 In your experience, is it common for
24 an employee to be non-renewed when they had never
25 received a negative evaluation?

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1 A. It's not common.

2 Q. If you can scroll down to the next page? There's a
3 paragraph in the middle of this page which is the
4 second page of the document from Dr. Alaei, dated
5 May 8, 2018, that's attached as part of Claimant's
6 B-6, there's a reference regarding funding and
7 funding targets. If you can read that paragraph
8 that starts with: "With respect to funding, you can
9 also find the projected funding required"?

10 A. Yes.

11 Q. Are you familiar with what Dr. Alaei is referring to
12 with regards to reaching over 21 times higher than
13 the target, as referenced in that paragraph?

14 A. I know they were very active in submitting
15 applications and they had, you know, a fair amount
16 of success.

17 Q. Was this type of success similar to others with SUNY
18 Albany, in terms of fundraising?

19 A. I don't recall.

20 Q. Is this a positive achievement for Dr. Alaei?

21 A. Well, I think success in sponsored funds is a
22 positive achievement for any faculty member at the
23 University.

24 Q. Did you have any conversations with Provost Stellar
25 after sending this form with -- this form for

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25

1 non-renewal, along with Dr. Alaei's letter?

2 A. Not that I recall.

3 Q. Did there come a time where the President approved
4 the non-renewal of Dr. Alaei?

5 A. I believe so.

6 Q. Do you know the basis for the President approving
7 the non-renewal?

8 A. No.

9 Q. Did you have any discussions with Provost Stellar or
10 anybody else that had any understanding of why the
11 President agreed to the renewal?

12 A. No, not that I recall.

13 Q. Are you aware of any other SUNY employees, within
14 the scope of your job responsibilities, that were
15 renewed at or around the time that Dr. Alaei was
16 recommended and then not renewed?

17 A. (No response.)

18 Q. I could ask -- I can rephrase that. Are you
19 aware -- At the time that Dr. Alaei was non-renewed,
20 are you aware of whether there were other SUNY
21 employees that were renewed?

22 A. I'm sure there were.

23 Q. Are you aware of whether any of them had negative
24 evaluations?

25 A. I don't recall.

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1 Q. Are you aware if any of those individuals who were
2 renewed at the direction of the Provost and not
3 their direct supervisor?

4 A. I don't recall.

5 Q. Did you have any input or discussion concerning
6 Dr. Alaei being given one year of payment versus two
7 when he was non-renewed?

8 A. I remember it was an issue.

9 Q. Do you have any understanding of what the issue was?

10 A. In his original engagement letter, there was
11 language related to the security of two years of
12 salary.

13 Q. And do you have any understanding of what that
14 language means for employees that you oversee?

15 A. I don't recall. I'd have to see it again.

16 Q. Okay. If I can refer you to what was previously
17 identified as Claimant's Exhibit E-2?

18 Mr. Hedberg, back to the renewal
19 really quick. Are you aware of anyone who wasn't
20 renewed when they received a positive evaluation?

21 A. I don't recall.

22 Q. As to this document, Claimant's Exhibit E-2, do you
23 recognize what this document is?

24 A. Yes, this is an engagement letter. This would be
25 the letter that makes the initial offer of

1 employment.

2 Q. And if I could refer you down -- please scroll down
3 to the next paragraph.

4 In the middle paragraph here, which
5 would be page 1 of this document, there's a line
6 that says: "To give you the security" -- what
7 appears to me to say: "At least two years of
8 employment, the appointment will be reviewed
9 annually for possible extension by another year."

10 Do you have any understanding, in your
11 position of overseeing employees and whatnot, as to
12 what that language means?

13 A. It means that the -- it would be that -- as it says,
14 that the appointment was to be reviewed annually and
15 extended by another year.

16 Q. Do you have any understanding what the security of
17 at least two years of employment would be referring
18 to?

19 A. I would take it to mean that you have at least two
20 years of employment upon notice of non-renewal.

21 Q. So in other words, if an employee was issued notice
22 of non-renewal, they should still have two years of
23 employment remaining?

24 A. Yeah, so typically, it's one year.

25 Q. Okay. But this language would indicate two years?

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1 A. This is unusual language.

2 Q. Have you seen it in other employment arrangements
3 with employees under your purview?

4 A. I believe we did the same -- had the same
5 arrangement with -- Well, no, I don't recall. I
6 think I -- I think it was used in at least one other
7 appointment letter.

8 Q. Do you know who Kevin Williams is?

9 A. Yes.

10 Q. Who is Mr. Williams? Dr. Williams, I'm sorry.

11 A. He is a professor of psychology and has -- is Vice
12 Provost and Dean for Graduate Education.

13 Q. Are you aware of whether Dr. Williams would have an
14 understanding regarding employment contract terms in
15 his position with SUNY Albany?

16 A. No, I don't think he would.

17 Q. Are you aware of the term "evergreen appointment"?

18 A. Yes.

19 Q. Can you explain to me your understanding of that
20 term?

21 A. This actually would be a variation of the evergreen
22 appointment. There was a period of time -- we don't
23 do it anymore, but we would appoint full-time
24 lecturer for an initial three-year period and then
25 evaluate and extend it annually to give them the

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1 security of even a longer term appointment. But
2 such appointments are for employees who are not
3 eligible for tenure or what we call continuing
4 appointment.

5 Q. So usually it would be a three-year appointment; is
6 that what you're saying?

7 A. Yes.

8 Q. And the language of security of two years would
9 indicate two-year appointment in a moderation of
10 evergreen?

11 A. I don't recall the specific language, but this
12 construction, you know, was used in a couple of
13 other instances. As I say, we no longer use it.

14 Q. Okay. If I can refer you to what has been marked as
15 Defendant's Exhibit -- sorry, Claimant's Exhibit
16 D-2?

17 Mr. Hedberg, I'm showing you an e-mail
18 that's been marked as Claimant's Exhibit D-2. It's
19 an e-mail from -- purports to be from Randy Stark to
20 Valerie Ayers and others, dated July 6, 2018. This
21 memo states, in part -- or e-mail states, in part:
22 "I've attached a counseling that we worked on for
23 Kamiar Alaei. It was a struggle writing it, as
24 there wasn't really anything to counsel him on since
25 the sexual misconduct allegations were unfounded.

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1 We plan to give him policies on sexual harassment,
2 workplace violence, et cetera, but for what purpose,
3 as we are going to non-renew him and buy him out."

4 As to non-renew and buying out, are
5 you aware of who would have that authority at SUNY
6 Albany for an employee?

7 A. Ultimately, it's the President's decision.

8 Q. After the non-renewal was approved for Dr. Alaei,
9 did you have any further conversations with the
10 Provost about Dr. Alaei's employment?

11 A. Not that I recall.

12 Q. Are you aware of what a counseling memorandum is?

13 A. Yes.

14 Q. If I can refer you to Claimant's Exhibit H?
15 Claimant's Exhibit H is a counseling memorandum,
16 dated August 9, 2018, from Randy Stark to
17 Dr. Kamiar Alaei. Did you participate in
18 preparing -- or were you consulted with for
19 preparing this counseling memorandum?

20 A. I don't believe so.

21 Q. If I can show you what's been previously marked as
22 Exhibit B, Claimant's B-8.

23 Are you aware of what this document
24 is?

25 A. This looks like a standard non-renewal letter.

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1 Q. Okay.

2 A. Well, this letter does two things; it extends
3 the -- it extends the appointment, but also
4 provides -- at the same time, provides notice of
5 non-renewal.

6 Q. Scroll down, please.

7 There's a sentence here that says:
8 "The University will pay the balance of salary
9 remaining on your term appointment from
10 August 18 -- from August 10, 2018 through August 9,
11 2019."

12 Is that consistent with the
13 appointment letter and having two years of
14 employment security that we went through in
15 Dr. Alaei's initial appointment letter?

16 MR. ROTONDI: Object to the form of
17 the question.

18 BY MR. CASTIGLIONE:

19 Q. You can answer.

20 A. Oh, okay. I don't recall. I don't know.

21 Q. Okay.

22 A. I do recall it being an issue that was discussed and
23 studied, in conjunction with this transaction.

24 Q. And were you consulted about that issue?

25 A. I may have been, but I was -- I was not -- I mean, I

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1 recall that he had been -- Well, I just don't recall
2 the details, as I indicated at the outset. I have
3 not studied the record.

4 Q. Okay. In your experience working with SUNY Albany
5 in your position for the time you have, is it
6 typical for employees to go through a disciplinary
7 process, have a counseling memorandum issued and
8 then be terminated the next day?

9 A. It's not common.

10 Q. Do you recall it happening in the past?

11 A. No.

12 MR. CASTIGLIONE: Anthony, if I could
13 just get a couple of minutes to go through my
14 notes and see if I have any last questions, and
15 if not, we'll be ready to go.

16 MR. ROTONDI: Okay.

17 MR. CASTIGLIONE: Okay. Thank you.
18 Just a few minutes, Mr. Hedberg. Thank you for
19 your time.

20 (Whereupon, a recess is taken.)

21 BY MR. CASTIGLIONE:

22 Q. Mr. Hedberg, how long have you held your respective
23 positions with SUNY Albany?

24 A. Well, I've been with SUNY since 1970. I've been at
25 SUNY Albany since 1974, and I've been in the Provost

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1 office since 1985.

2 Q. Wow. Okay. And have you never seen a non-renewal
3 and buyout situation by SUNY, similar to what
4 happened with Dr. Alaei?

5 A. In many respects, they're all idiosyncratic and
6 unique. They're all different.

7 Q. As to the exhibit, Claimant's Exhibit B-8, in your
8 experience, who's the one that determines the
9 remaining balance to pay off to employees when there
10 is a termination similar to what's reflected in that
11 August 10, 2018 letter from SUNY to Dr. Alaei?

12 A. I really don't know that answer. I believe a
13 determination has been made in the office of human
14 resources, but it's subject to the approval of the
15 Provost and the President.

16 MR. CASTIGLIONE: I don't have any
17 other questions, Anthony.

18 (Transcript requests are as follows.)

19 MR. CASTIGLIONE: Standard delivery,
20 E-mail transcript with exhibits.

21 MR. ROTONDI: E-mail copy only.

22 (Whereupon, the above-titled matter
23 was concluded at 2:23 p.m.)
24
25

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I N D E X P A G E

WITNESS:

WILLIAM B. HEDBERG

EXAMINATION BY MR. CASTIGLIONE

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E X H I B I T S

CLAIMANT

DESCRIPTION

PAGE

(Whereupon no exhibits were marked.)

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C E R T I F I C A T I O N

STATE OF NEW YORK:
COUNTY OF WARREN:

I, Deborah M. McByrne, do hereby certify that the foregoing testimony was duly sworn to; that I reported in machine shorthand the foregoing pages of the above-styled cause, and that they were prepared by computer-assisted transcription under my personal supervision and constitute a true and accurate record of the proceedings;

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

WITNESS my hand in the City of Queensbury,
County of Warren, State of New York



DEBORAH M. McBYRNE
Court Reporter

WILLIAM B. HEDBERG

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DECLARATION/WITNESS CERTIFICATION

Case: Alaei v. State University of New York

Witness: William B. Hedberg

Deposition Date: January 25, 2021

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

WILLIAM B. HEDBERG

Sworn to before me, this ____ day
of _____ 20____ .

[_____](print)
Notary Public.

Registration No: _____

State of _____

Qualified in _____ County.

My commission expires _____.

WILLIAM B. HEDBERG

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1 DEPOSITION ERRATA SHEET

2 Case: Alaei v. State University of New York

3 Witness: William B. Hedberg

4 Deposition Date: January 25, 2021

5 Reason Codes:

6 1: To clarify the record

7 2: To conform to the facts

8 3: To correct transcription errors.

9 PAGE/LINE

10 CORRECTION

11 REASON CODE

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DEPOSITION ERRATA SHEET

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CORRECTION

REASON CODE

_____ Subject to the above changes, I certify
that the transcript is true and correct.

_____ No changes have been made. I certify that
the transcript is true and correct.

WILLIAM B. HEDBERG

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